IN THE HIGH COURT OF JUDICATURE AT PATNA
CR. APPEAL (DB) No.193 of 1988
Ram Ishwar Ram, son of Khobhari Ram,
Resident of village Chamanpura, P.S. Baikunthpur,
district Gopalganj .. Appellant

Versus

The State of Bihar .. Respondent

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/5/ **05.12.2008** By order, dated 17.10.2008, further time was allowed to the counsel for the appellant for filing affidavit considering the report of Filing Section that sole appellant is, perhaps, dead. Counsel for the appellant submits that in spite of repeated informations to appellant, no one is turning from his family to swear affidavit.

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2. Report was earlier called by order, dated 21.08.2008, from the Superintendent of Police, Gopalganj, to enquire into the matter and submit report. The Superintendent of Police, Gopalganj, vide memo no. 1659/Legal, dated 12.11.2008, has sent enquiry report, submitted by the Officer-in-Charge, Baikunthpur Police Station. Report certifies that on enquiry from the villagers it was found that appellant, Ram Ishwar Ram, died on 04.12.2005 on account of ailment. He was suffering from

tuberculosis. The local Mukhiya, Sarpanch and villagers confirmed his death. Death certificate, to this effect, issued by the competent authority, has also been annexed with the report.

3. Considering this fact, the appeal is abated on account of death of sole appellant.

(Mridula Mishra, J.)

(S.M. Mahfooz Alam, J.)

S.A.

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